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Updating the Commissions' Rule for Over-the-Air Reception Device :: Docket WT 19-71 - E

Revising the OTARD protection to hub and relay is desperately needed. Our response below is to counterpoint assertions made by the coalition of cities. Nevertheless, there are several clarifications needed in the law to prevent bad actors from abusing the ruling.

Protecting Hub & Relay Devices Under OTARD Advances the Deployment of Fixed Wireless Internet

Fixed Wireless Internet is only made available through Hub & Relay sites. An OTARD consumer can convert to a hub & relay, thereby allowing for expansion to additional consumers, and so on. The network topology can be exponentially expanded. It is common to see multiple hops in wireless links. Each hub & relay provides the ability to serve multiple customers around each location.

The OTARD Consumers Should be Allowed To Relay

Individuals should be protected in connecting multiple locations to deliver fixed wireless internet provided that the relay location has a valid Consumer of fixed wireless internet. The Spectrum Act allows for existing structures to be used to place additional devices. Therefore a valid OTARD installation should be allowed to act as a relay and hub.

Clarification Needed for definition of the User / Consumer

OTARD currently protects the "Consumer" of the fixed wireless internet. The definition of consumer should be restricted to ensure that this is an end-user that has utility for fixed wireless internet at the same property of the device. In other words, an uninhabited locations, such as a light pole or empty lot, may not qualify.

Clarification needed for Fixed Wireless Internet

The definition of OTARD qualified devices should be kept to devices that exclusively serve the application of fixed wireless internet. Carriers that commingle equipment capable of mobile, non-fixed wireless, applications should not be protected. In other words, 5G towers that deliver to mobile phones would not be protected.

Clarification needed for OTARD Fixed Wireless Internet Spectrum

Qualified OTARD devices should operate exclusively in the non-licensed spectrum. This distinction serves multiple purposes:

- Openness - unlicensed spectrum is attainable for public consumption and should be open and free to use with FCC approved devices.



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- Handicap - The unlicensed spectrum of fixed wireless can be difficult to work with. It is limited in range, density of coverage and the spectrum fraught with interference. It is because of this limitations that OTARD protection for hub & relays should be protected.
- Commercialization - licensed spectrum users have more flexibility in placement of antennas, have afforded a luxury and can be expected to attain higher levels of qualifications with local municipalities. These users typically resemble larger carriers that operate in multiple spectrums and applications other than fixed wireless internet.

Local Municipality Applications

All OTARD users should be expected to comply with reasonable local regulations. Filing applications with reasonable requirements and administrative costs isn't a burden. The problem arises in that most cities don't have OTARD based applications but instead expect that cellular antenna applications to be used. Municipalities should be encouraged to allow for OTARD permitting, with reasonable requirements that do not outright prohibit the existence of an installation.

Application Rejection

Local municipalities should be allowed to reject OTARD and OTARD Hub & Relay installations that are a clear public nuisance or are a risk to public safety. Application that are persistently declined for basic aesthetics, bureaucratic protocols, or justified height requirements are not acceptable and should be preempted. The FCC will need to continue to support an escalation forum to Petition for Declaratory Ruling.

For all the above reasons, we support the revision of OTARD rules and pray for relief soon.

Respectfully submitted,

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